

FILED

AUG -9 2016

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIAIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

MICHAEL J. RUFFATTO

Criminal No. 16-167

INFORMATION MEMORANDUM

AND NOW comes the United States of America, by its attorneys, David J. Hickton, United States Attorney for the Western District of Pennsylvania, and Mary McKeen Houghton, Assistant United States Attorney for said District, and submits this Information Memorandum to the Court:

I. THE INFORMATION

The United States Attorney filed a one-count Information against the above-named defendant for an alleged violation of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1	False Claim against the United States On or about October 13, 2011	18 U.S.C. § 287 and § 2

II. ELEMENTS OF THE OFFENSE

**A. As to Count 1 – False Claim against the United States
(18 U.S.C. § 287 and § 2):**

In order for the crime of False Claim against the United States, in violation of 18 U.S.C. § 287 and § 2, to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant knowingly made or presented a claim to a department or agency of the United States;
2. That the claim which was presented was a claim against the United States or a department or agency of the United States;
3. That the claim was false, fictitious or fraudulent; and
4. That the defendant knew that the claim was false, fictitious or fraudulent.

1 L. Sand, J. Siffert, W. Loughlin,
S. Reiss, Modern Federal Jury Instructions, Instr. 18-3 (2003).

III. PENALTIES

A. As to Count 1 – False Claim against the United States (18 U.S.C. § 287 and § 2):

The maximum penalties for individuals are:

1. imprisonment of not more than 5 years (18 U.S.C. § 287);
2. a fine not more than the greater of:
 - (a) \$250,000 (18 U.S.C. § 3571(b)(3));
or
(b) an alternative fine in an amount not more than the greater of twice the gross pecuniary gain to any person or twice the pecuniary loss to any person other than the defendant, unless the imposition of this alternative fine would unduly complicate or prolong the sentencing process (18 U.S.C. § 3571(d));
3. a term of supervised release of not more than three (3) years (18 U.S.C. § 3583); and
4. any or all of the above.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed at Count One upon conviction, pursuant to 18 U.S.C. § 3013.

V. RESTITUTION

Restitution may be required in this case as to Count 1, together with any authorized penalty, as part of the defendant's sentence pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664.

VI. FORFEITURE

Not applicable in this case.

Respectfully submitted,

DAVID J. HICKTON
United States Attorney



MARY MCKEEN HOUGHTON
Assistant U.S. Attorney
PA ID No. 31929